

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No.5:15-CR-57-1H
No. 5:18-CV-610-H

JAMAAL EUGENE EVANS,)	
)	
Petitioner,)	
)	
v.)	
)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

This matter is before the court on petitioner's motion to extend time, construed as a motion to vacate pursuant to 28 U.S.C. § 2255, filed on March 8, 2018. [DE #82 and #84]. By order entered December 30, 2020, this court directed the clerk to send a copy of the appropriate form to petitioner with instructions to complete the form, sign it, and return it within 28 days. Petitioner was warned that failure to do so may result in dismissal of his motion. The court construes petitioner's failure to file a signed motion to vacate as a failure to prosecute pursuant to Fed. R. Civ. P. 41(b). Therefore, the court DISMISSES petitioner's

motion to vacate WITHOUT PREJUDICE [DE #82 and #84]. The clerk is directed to close this case.

This 17th day of February 2021.

A handwritten signature in blue ink, appearing to read "Malcolm J. Howard", is positioned above a horizontal line.

MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
#26